IV. REMARKS

Claims 24-28, 34, 42-48 and 54-55 are not unpatentable over Widegren et al. (US 6,937,566) ("Widegren") in view of any prior art under 35 U.S.C §103(a).

Claim 24 recites that the resource request is sent from a terminal to a network. This is not disclosed or suggested by Widegren. The Examiner refers to Col. 12, lines 1-11. However, the above-noted feature is not disclosed here or elsewhere in Widegren.

All that Col. 12, lines 1-11 discloses is that a request is sent from a service node (block 202). This is not the same as a request being sent by a terminal as claimed by Applicant.

Claim 24 also recites that a second radio resource request is sent from the terminal to the network. Widegren does not disclose or suggest such a second radio resource request. The Examiner refers to Col. 2, lines 58-61 on this point. However, here again it is not a request being sent from a terminal to a network. Rather, the service node requests a radio access bearer from the UTRAN rather than a specific radio channel resource. This is not the same as a request being sent by a terminal as is claimed by Applicant.

Claim 24 recites that the second radio resource request comprises an express indication on whether the radio resource is requested for a real-time service. This is also not disclosed or suggested. The Examiner refers to Col. 11, lines 52-65 of Widegren.

First, as noted above, the call is requested via plural service nodes (block 102). There is also no disclosure here or elsewhere in Widegren related to the "express indication" claimed by Applicant. Rather, all that Widegren discloses is that each service node analyzes the types of parameters involved. (Col. 11, lines 56-59; 61-63). However, the "analyzing" of Widegren is not the same as, and cannot be equated to, a request comprising an "express indication" on whether the radio resource is requested for a

real-time service. Also, although the service node "analyzes" the types of parameters involved for the call, there is no disclosure in Widegren that these parameters are included in a request, in a manner claimed by Applicant.

Furthermore, applicant's claim 24 is directed to allocating "radio resources." However, Widegren deals with a "radio access bearer." Col. 2, lines 58-61 deals with a request for a "radio access bearer" and not a "radio resource" as recited and claimed by Applicant.

Thus, for at least these reasons, each and every element of the claimed subject matter is not and cannot be disclosed or suggested by Widegren. A *prima facie* case of obviousness is not established.

Additionally, it is submitted that one of skill in the art would not be lead to make the noted combination to achieve what is claimed by Applicant. The Examiner states that the motivation is to provide an alternative to the 1-phase approach for allocating radio resources. While this may be an "alternative," it is submitted that a mere "alternative" does not provide the requisite "motivation" to combine references as required for purposes of 35 U.S.C §103(a).

Applicant's claims are directed to providing an optimized radio resource allocation for real-time services. The problem to which Widegren is directed appears to be satisfactorily addressed. There is no reason to seek or provide an alternative, let alone modify this solution merely to provide an alternative. Otherwise, every solution which might be considered to be an "alternative" would then by default provide the requisite motivation for combination under 35 U.S.C. §103(a). "Motivation" for purposes of 35 U.S.C. §103(a) requires some explicit reason to make the proposed combination, and not just mere speculation.

Since Widegren adequately addresses the problem to which it is directed, there is no reason to modify the self-contained system of Widegren with a new feature that does not provide any function to the existing system. Introducing a two-phase radio

resource request method to Widegren does not address any problem with Widegren and does not provide any additional advantage. Therefore, one of skill in the art would not be motivated to alter Widegren to achieve what is claimed by Applicant.

Rather, the proposed combination would only complicate Widegren's system, particularly since Widegren states that a purpose of its invention is to remove or reduce complexity. For example, beginning at Col. 6, line 36, Widegren states that "while ATM and WCDMA are wideband, flexible, and robust, they are also fairly complicated communication resources to manage. Advantageously, the service nodes are isolated from this complexity. Each service node only requests one (or more) radio access bearer(s) specifying the identity of the mobile to be communicated with one or more quality of service parameters to be associated with the bearer. Quality of service may include a desired bit rate, an amount of delay before information is transferred, a minimum bit error rate, etc. Thus, from the standpoint of a core network node, a radio access bearer or UTRAN connection is simply a logical data flow or "pipe" from the service node through the UTRAN 24 to the desired mobile station 30 the details of which are not important to and are hidden from the core network service node."

Widegren does not provide any indication that its system is in any way different or that it is lacking in function, such that it would require an "alternative." Without any such indication, there is not reason to make the proposed combination.

The Examiner uses the alleged admitted prior art as a blueprint to piece together disjointed pieces of cited art, using hindsight knowledge of Applicant's claimed subject matter. Unless there is a need to find an alternative, one would not do so, unless there was prior knowledge of a potential solution. This would be the use of impermissible hindsight.

Thus, a *prima facie* case of obviousness for purposes of 35 U.S.C. §103(a) is not and cannot be established. Therefore, claims 24-28, 34, 42-48 and 54-55, as indicated by the Examiner previously, are patentable.

The Commissioner is hereby authorized to charge payment any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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